

### **REMARKS**

This Amendment is submitted in response to the Office Action dated July 31, 2006, having a shortened statutory period set to expire October 31, 2006. Claims 11-18 are cancelled. Claims 20-27 are considered allowable subject matter according to page 3 of the present Office Action. Claims 2-9, as now amended, are pending.

#### **Claim Rejections Under 35 U.S.C. § 101**

At page 2 of the present Office Action, the Examiner has rejected Claims 2-9 under 35 U.S.C. § 101 because independent Claim 2 lacks a concrete tangible result. To address Examiner's rejection, Applicants have amended exemplary Claim 2 to include "outputting said height measurement". Support for the amended claim language can be found on page 7 of the Specification. Applicants believe that the amended claim language puts Claim 2 and all dependent Claims 3-9 in condition for allowance.

#### **Claim Rejections Under 35 U.S.C. § 112**

At page 2 of the present Office Action, the Examiner has rejected Claims 11-18 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicants have cancelled Claims 11-18. Therefore, the Examiner's rejection is now rendered moot.

## CONCLUSION

No further extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. No other fee is believed to be required to submit this amendment. However, in the event any fees are required, please charge **IBM CORPORATION'S Deposit Account No. 09-0449**.

Respectfully submitted,



Brian F. Russell

*Reg. No. 40,796*

DILLON & YUDELL LLP

8911 North Capital of Texas Highway  
Suite 2110

Austin, Texas 78759

Telephone (512) 343-6116

Facsimile (512) 343-6446

ATTORNEY FOR APPLICANTS